

Baker & Hostetler LLP

45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Nicholas J. Cremona
Dean D. Hunt

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
for the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

THE ESTATE OF CAROLYN MILLER,

THE CAROLYN MILLER REVOCABLE
TRUST,

LAURIE ROSEN REIMER, individually and in her

Adv. Pro. No. 10-05094 (SMB)

capacities as Personal Representative of the Estate of Carolyn Miller and trustee of the Carolyn Rosen Miller Revocable Trust,

THE ESTATE OF LEONARD MILLER

ROBERT B. MILLER, in his capacity as Co-Personal Representative of the Estate of Leonard Miller,

CORRINE M. COTT, in her capacity as Co-Personal Representative of the Estate of Leonard Miller,

JOANNE GAYLE ROSEN, in her capacities as Personal Representative of the Estate of Carolyn Miller and trustee of the Carolyn Rosen Miller Revocable Trust,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL OF CERTAIN
DEFENDANTS WITHOUT PREJUDICE**

WHEREAS, on December 2, 2010, Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et. seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, filed the above-captioned avoidance action against (i) the Estate of Carolyn Miller, (ii) the Carolyn Miller Revocable Trust, (iii) Laurie Rosen Reimer, individually and in her capacities as Personal Representative of the Estate of Carolyn Miller and trustee of the Carolyn Rosen Miller Revocable Trust, and (iv) Leonard Miller, individually and in his capacities as Personal Representative of the Estate of Carolyn Miller and trustee of the Carolyn Rosen Miller Revocable Trust (collectively referred to as “Defendants”);

WHEREAS, Defendant Leonard Miller died on February 21, 2014; and

WHEREAS, on December 20, 2015, (i) the Estate of Leonard Miller, (ii) Corrine M.

Cott, in her capacity as personal representative of the Estate of Leonard Miller (“Corrine Cott”), (iii) Robert B. Miller, in his capacity as personal representative of the Estate of Leonard Miller (“Robert Miller”), and (iv) Joanne Gayle Rosen, in her capacities as successor Personal Representative of the Estate of Carolyn Miller and Trustee of the Carolyn Rosen Miller Revocable Trust, were substituted in the place of Leonard Miller.

IT IS THEREFORE MUTUALLY AGREED AND STIPULATED, by and between the Trustee and Defendants (i) the Estate of Leonard Miller, (ii) Corrine Cott, and (iii) Robert Miller, by and through their counsel, Chaitman, LLP (collectively, the “Parties”), as follows:

1. On December 3, 2010, the Trustee filed and served the Complaint.
2. On September 18, 2015, Defendants filed an Answer to the Complaint.
3. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal without prejudice of the Trustee’s claims against the Estate of Leonard Miller, Corrinne Cott and Robert Miller in the above-captioned adversary proceeding.
4. The Parties reserve all rights, claims and defenses they may have, and entry into this Stipulation shall not impair or otherwise affect such rights, claims and defenses. Nothing contained in this Stipulation can or shall be construed as an adjudication on the merits of claims that the Parties may have against each other or any other party, or as an admission or acknowledgement of any claim or defense as against the other by either Party.
5. Upon the dismissal of the Estate of Leonard Miller, Corrinne Cott and Robert Miller, the caption for this Proceeding is hereby amended to delete the Estate of Leonard Miller, Corrinne Cott and Robert Miller from the caption. The amended caption of the Proceeding shall appear as indicated on Exhibit A to this stipulation.

6. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

7. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: New York, New York
April 13, 2017

Of Counsel:

BAKER HOSTETLER LLP
811 Main, Suite 1100
Houston, Texas 77002
Telephone: (713) 751-1600
Facsimile: (713) 751-1717
Dean D. Hunt
Email: dhunt@bakerlaw.com

BAKER & HOSTETLER LLP

By: /s/ Nicholas J. Cremona
David J. Sheehan
Nicholas J. Cremona
45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA
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L. Madoff*

CHAITMAN, LLP

By: /s/ Helen Davis Chaitman
465 Park Avenue
New York, NY 10022
(908) 303-4568 (cell)
Office and Fax: (888) 759-1114
Helen Davis Chaitman
helendavischaitman@gmail.com

Attorney for Defendants

SO ORDERED

Dated: April 13, 2017
New York, New York

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT “A”

Baker & Hostetler LLP

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Telephone: (212) 589-4200
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David J. Sheehan
Email: dsheehan@bakerlaw.com
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